



James C. Codell, III
Secretary of Transportation

Commonwealth of Kentucky
Transportation Cabinet
Frankfort, Kentucky 40622

Paul E. Patton
Governor

Clifford C. Linkes, P.E.
Deputy Secretary

Construction Memo No. 9-02

MEMO TO: Chief District Engineers
Transportation Engineering Branch Managers for Construction
District Construction Engineers
Resident Engineers
Active Consultant Engineers

FROM: Dexter Newman, Director
Division of Construction

DATE: August 2, 2002

SUBJECT: **Guidelines for Imminent Danger on Construction Sites**

The purpose of this memorandum is to remind you of our safety priority – imminent danger. Imminent danger refers to conditions or practices which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated.

As presented at the resident engineer's (RE's) meeting in March, Division of Construction employees are not safety police, and this is why we've limited our priority to imminent danger. Attached are the guidelines to address imminent danger on construction sites.

These guidelines will be amended to the Construction Manual. Until that time, these guidelines will serve as standard operating procedures on active construction sites. The "Work Stop" form letter has been added to our eforms list as form TC 6363.

DN:ecd

Attachments

| | | | |
|-----------------|-----------------|---------------|------------------|
| Cc: J.M. Yowell | Simon Cornett | Cliff Linkes | Steve Goodpaster |
| Rick Stansel | C. O. Engineers | Chuck Knowles | KAHC |
| Wesley Glass | FHWA | Gary Grigsby | Geri Grigsby |



GUIDELINES FOR IMMINENT DANGER ON CONSTRUCTION SITES

Our mission is to construct roads and bridges. Through the construction project and at the end of each day our goal is everyone's safety. However, we are not safety police.

This guideline addresses imminent danger on construction sites. Our intent is for any inspector to become knowledgeable regarding safety issues and will be able to recognize imminent danger. As described in 29 CFR 1903.13, and referenced in Kentucky Occupational Safety and Health Standards (KOSH) for the Construction Industry (29 CFR 1926), **imminent danger** refers to conditions or practices which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated.

Guidelines

- Any senior inspector will notify the contractor's foreman of an imminent danger situation on the site and work will be suspended if the imminent danger is not immediately addressed.
- The senior inspector will, as soon as notifying the foreman, contact the resident engineer (RE) or safety coordinator (SC).
*Note: In **imminent danger** situations, the SC will have the same authority as the RE.*
- The inspector will document the imminent danger situation on the Daily Inspection Report (DIR).

If the contractor has not remedied the imminent danger situation --

- The RE or SC will contact the superintendent in person or by phone and communicate the imminent danger situation. Work may be stopped at this point.
- The RE or SC will document the conversation or phone call with the superintendent.
- The RE or SC will document on a DIR the mitigation of the imminent danger.
- If the imminent danger has not been corrected the RE or SC will send to the contractor a "**Work Stop Form Letter.**" See attached.

Suspend work means the area of work where the imminent danger situation is occurring, if it can be isolated.

Work stop means the entire project.



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July 03, 2002

RE: Imminent Danger

Project No.: _____

County: _____ PCN: _____

The Cabinet has been made aware, and has contacted you, regarding the work on the above-mentioned project which may not be complying with the provisions of Kentucky Occupational Safety and Health Standards for the Construction Industry (29 CFR Part 1926, as adopted by 803 KAR 2:400 through 2:425). Specifically, those concerning:

- ☐ Subpart E, Personal Protective and Life Saving Equipment
- ☐ Subpart L, Scaffolds
- ☐ Subpart M, Fall Protection
- ☐ Subpart P, Excavations
- ☐ Subpart X, Stairways and Ladders
- ☐ Other: _____

Therefore, because of the concern of imminent danger to employees, work will stop on this project until full compliance has been met.

Please be advised, the Cabinet has always expected project contractors to fully comply with the provisions of 29 CFR Part 1926, and expects compliance of this standard be maintained through the life of the project.

CC: Secretary of Transportation
Director, Division of Construction
TEBM, District Office
Safety Administrator, Division of Construction

